

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MONTUE,

Petitioner, No. CIV S-05-0935 LKK DAD P

vs.

TERESA A. SCHWARTZ, et al.,

Respondents. ORDER

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Petitioner is a state prisoner proceeding pro se with a habeas petition attacking a 1979 Sacramento County conviction. Examination of this action and the court's records reveals that petitioner previously filed a petition for relief concerning the same conviction and that the previous petition was denied in 1995.<sup>1</sup> (See Montue v. Rowland, case No. CIV S-91-0247 LKK JFM P.)

The present action has been randomly assigned to the District Judge who considered the previous petition. Pursuant to Local Rule 81-190(d), the above-captioned action will be reassigned to the Magistrate Judge who considered the 1991 petition. The parties should be aware that reassigning this action under Local Rule 81-190(d) merely has the result that the

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<sup>1</sup> A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 action is assigned to the same District Judge and the same Magistrate Judge who considered the  
2 prior petition. No consolidation of the actions is effected.

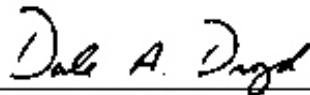
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. This action is reassigned to Magistrate Judge John F. Moulds for all further  
5 proceedings; henceforth, the caption on documents filed in this action shall be shown as No. CIV  
6 S-05-0935 LKK JFM P;

7 2. The Clerk of the Court shall make appropriate adjustment in the assignment of  
8 civil cases to compensate for this reassignment; and

9 3. The Clerk of the Court shall provide notice of this reassignment to the  
10 Magistrate Judge now assigned to the case.

11 DATED: May 17, 2005.

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13 DALE A. DROZD  
14 UNITED STATES MAGISTRATE JUDGE  
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